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OVERALL REVIEW AND APPRAISAL OF THE IMPLEMENTATION OF AGENDA 21

Letter dated 6 June 1997 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General

Addendum

Upon instructions from my Government, I have the honour to transmit to you herewith the "Overall review of Parliamentary action to implement Agenda 21", which was adopted by the Inter-Parliamentary Council at its 160th session, held at Seoul on 12 April 1997.

I should be grateful if you could have the text of the present letter and its annex circulated as an addendum to document A/S-19/15, published for the nineteenth special session of the General Assembly.

(Signed) PARK Soo Gil
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ANNEX

[Original: English and French]

OVERALL REVIEW OF PARLIAMENTARY ACTION TO IMPLEMENT *AGENDA 21*

Report adopted by consensus by the Inter-Parliamentary Council at its 160th session (Seoul, 12 April 1997)

General comments on the results of the survey

The successive surveys of the Inter-Parliamentary Union confirmed the following major trends:

- In the past UNCED generated a wave of general awareness regarding environmental problems, and this quite naturally affected the work of parliaments (ratification of conventions, adoption of legislation with a broad scope designed to protect the environment as well as natural resources, earmarking of the corresponding credits).

- However, apart from these routine measures, the Earth Summit has had only a marginal effect on the action taken by parliaments: generally speaking, the latter leave it up to governments to take the initiative and do not use all available means to influence national policies.

- Parliaments' action in the environmental field is seldom prompted by the Rio recommendations, but rather by the worsening of specific ecological problems which differ from country to country, depending on the geographic context and the level of economic development.

- The attitude of MPs is by no means monolithic, and the question of how much importance should be given to the implementation of the Rio recommendations has often led to heated parliamentary debates. One might therefore say that while awareness exists at the individual level, the collective will is nevertheless lacking.

- Present economic trends do not favour the global application of the principles of sustainable development.

- There is thus a chasm between what is said and what is done - lack of political will; in developing countries there is, moreover, a gap between intentions and means - lack of information as well as technical and financial resources.

I. UNCED'S IMPACT ON MPs' AWARENESS AND PARLIAMENTARY ACTION

The Inter-Parliamentary Union's surveys show that UNCED has had a diffuse impact on MPs' awareness and on parliamentary action. It cannot be denied that this Conference led to renewed interest for environmental protection, but this was not necessarily in response to the message of Rio.

Nevertheless, the degree of this impact varied mainly as a result of the countries' level of development and the parliaments' level of information.

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1. Individual awareness of environmental problems

International action seems to have given rise to a general trend leading to individual awareness of the need to save the environment and to manage natural resources carefully. MPs show greater determination to solve environmental problems, back the recommended measures more firmly, and put more pressure on their governments.

This has led to an increase in individual interventions, written and oral questions, a reinforcing of MP's actions in their respective constituencies (awareness-building and consultation among the population, media appearances), and to a greater amount of work in technical committees (public hearings, drafting of legislation, implementation of studies and surveys, discussions with local communities, pressure groups, NGOs, etc.) as well as greater involvement of parliaments in regional co-operation activities. Some parties even included the implementation of the Rio Agreements in their electoral manifesto (on the whole, however, it failed to improve their luck!).

2. Global awareness and resources

In those industrialised countries which were aware of environmental issues and which had already adopted policies in this field, the impact of Rio was relatively weak, since they continued their action without linking it to the recommendations of UNCED.

In developing countries and those in transition, the impact was far more marked, if not resulting in action at least as regards the level of awareness. These countries seem to take their cue from international developments when it comes to guidance as regards the measures to be taken. They are acutely aware of the seriousness of their ecological problems, but as they lack the necessary technical and scientific resources they use the information and the guidelines elaborated by the international community. Several replies from such parliaments clearly show that their discussions and their work progress in step with international recommendations, and that they use the Rio Agreements as guidelines in their work in the field of the environment.

This explains why the parliaments in these countries are so acutely conscious of the lack of information and support. Most of them in fact see themselves as lacking information on the work of Rio. Some even stated that it was through the Union's questionnaires that they first heard about the Rio follow-up work!

The question of information for MPs and the quality of such information is therefore of paramount importance. Proper information is generally considered to be the only measure which is likely to lead to a change of standpoint.

Parliaments in the industrialised countries generally consider themselves to be well-informed, whereas those in developing countries are often only able to get information from draft legislation submitted for approval by their governments.

3. Effects of the Rio Declaration

It is revealing to note that, with a very few exceptions, parliaments - in the North as well as the South - have not examined the Rio Declaration which, as it is not subject to ratification, has not been submitted for approval to parliaments by their respective governments. In fact, however, the principles outlined in this Declaration are supposed to provide the basis for implementing the other Rio Agreements, particularly the different chapters of the *Agenda 21* Programme.

Members of Parliament therefore do not attribute any particular importance to the Declaration which they do not recognise separately from the other results of Rio (the Conventions and some

portions of *Agenda 21* which became the subject of proposed legislation on which the MPs were required to vote).

4. The concept of sustainable development

The wave of interest generated by UNCED also led to a change in concepts, at least as far as terminology is concerned: expressions such as "sustainable development", "environmentally sound development", "integrated policies", "integrated management of resources", etc. have entered the parliamentary jargon.

However, even if the concept of "sustainable development" is now in everyday use, the results of the surveys confirm that the majority of MPs do not grasp its full meaning: they think that it is not "clearly defined", they fail to "understand its implications" or they are of the opinion that the concept "is not applicable in practice". This expression merely seems to have taken the place of the term "environmental protection" in everyday language.

MPs note that there is a wide gap between these theoretical concepts and the complete assimilation of the Rio principles which might for example be expressed by the acknowledgement that economic questions and environmental problems are interdependent.

Many MPs feel that adopting legislation and ratifying conventions has been purely theoretical work, merely a formal matter, which has not had any impact on the fundamental viewpoints of MPs and has failed to lead to an integration of the principles of sustainable development into the other political or legislative decisions.

No doubt this is the reason why the majority of MPs, from North and South alike, noted that the principles of sustainable development have been acknowledged but not fully taken on board.

5. Other factors

The other factors which determine whether or not the work of UNCED is taken into consideration in parliaments include the level of influence of the special commission, the urgency of other questions which are considered to be priority issues (economic development, poverty, unemployment, budgetary problems, etc.), and, generally speaking, the political will of MPs whose parliamentary work does not bring them into direct contact with environmental questions.

6. Rio follow-up

There seem to be a drop in the level of interest which existed during the preparatory phase as well as immediately after the Earth Summit.

As a result, the work of the UN Commission on Sustainable Development is virtually ignored in parliaments and its recommendations are rarely referred to. MPs neither attend its meetings nor participate in drawing up the country reports which are submitted to the Commission each year.

Parliaments which have been newly elected since Rio, especially in developing countries, are not familiar with the reports which were submitted at the time of the Rio Conference.

MPs in many industrialised countries report that there is less pressure from the public and especially that the electoral results of "green" parties are increasingly lacklustre.

It is rather indicative of this state of affairs that hardly any parliaments are aware of the international evaluation to be made in 1997 and that almost none are planning to devote a plenary sitting to the question of the application of the Rio Agreements in their respective countries, in

preparation for this review. A very small number state that a debate on the question will be held in a committee or in a plenary sitting. A few report that the question is under review or that it might be considered now that they have grasped the idea from the Union's questionnaire!

II. THE RIO AGREEMENTS AND THEIR LEGISLATIVE INTEGRATION

1. Is it viewed as a priority?

The majority of MPs think that integrating the principles of sustainable development in general, rather than the Rio Agreements as such, must be a priority among the urgent decisions which need to be taken.

Some state reasons for not doing this, including: a lack of information, the pre-eminence of other, more serious problems (financial crisis in countries in transition), the existence of other priorities which may be more lucrative or rewarding (sectoral influences, fossil energy providing a greater economic yield than renewable energy sources, etc.).

Many MPs, however, report differences of opinion regarding the level of priority and the best way of reaching this objective; the political will of the coalition or party in power is often a decisive factor, especially when MPs are also in ministerial positions or when the parliamentary representative of the government is a co-ordinating body.

Paradoxically, MPs whose parliaments are the least informed and the most lacking in resources are those who attach the highest degree of priority to integrating the principles of sustainable development in their work.

2. Should these principles be included in political or legislative decisions?

In most countries, but particularly in developing countries and those in transition, the integration of the principles of sustainable development into the decision-making process is very slow and takes a great deal of time, especially regarding economic and budgetary policies.

Most MPs feel that their governments have made an effort to try and include the principles of sustainable development in certain political and legislative decisions: the principles may have been enshrined in the Constitution; efforts may have been made to bring the national planning process in line with the priorities of *Agenda 21*; a national strategy or an environmental code may have been adopted; a commissioner in charge of the environment or of sustainable development may have been designated; general environmental legislation may have been passed or relevant legislation reviewed; new laws may have been adopted, and international commitments respected; legislation may have been harmonised at the regional level; consultative bodies or even a ministry for sustainable development may have been set up; a Council for the Environment may have been created for the express purpose of promoting greater awareness among the population.

The MPs themselves state that they try to ensure that these principles are included in the laws they propose and in the amendments they submit to governments bills. They are also monitoring the enforcement of these laws.

There are, nevertheless, many MPs who point out that such legislation is rarely enforced, be it for political reasons (environmental protection is incompatible with the exploitation of resources for purposes of development) or financial ones (lack of funds to enforce legislation) or because the political will is lacking (regulations are slow in coming).

In all countries, environmental impact studies provide the main method used to render the decision-making process more effective. Such studies are either provided for in general texts, such as the National Strategy or the Environmental Code, or in instruments designed to legislate activities in specific areas (combating industrial pollution or deforestation, development projects, etc.). However, they are seldom systematic and, for the poorest countries, carrying out such a study poses insurmountable financial problems.

III. PARLIAMENTARY MECHANISMS WHICH FAVOUR THE INTEGRATION OF THE PRINCIPLES OF SUSTAINABLE DEVELOPMENT INTO ALL PARLIAMENTARY ACTIVITIES

There are hardly any parliaments which have adopted specific mechanisms or modified their working methods in order to ensure that environmental and development questions are integrated into all levels as well as all areas of parliamentary activity.

Almost all replies do mention the existence of at least one committee dealing with the environment, or even with sustainable development, but these committees very rarely ensure that the principles laid down at Rio are actually integrated into all parliamentary work.

The mandate of these committees usually includes the examination, drafting and approval of draft legislation which directly affects the environment as such; sometimes their brief also includes drafting recommendations for parliament or the government, for example regarding compliance with international and national commitments. In some cases, these committees carry out on-site inspection missions either to see the state of the environment or to check whether legislation is enforced; they are also involved in raising the level of awareness of the government, the economic partners, and the general population.

In some countries, especially industrialised ones, specialised committees are more closely involved in the process of integration since they are often called upon to examine the environmental impact of other (i.e. not specifically environmental) legislation, that of governmental budgetary posts, or to study how various ministerial actions will affect the environment.

In any case, the level of effectiveness and influence of such committees varies considerably from parliament to parliament. In some cases, committees are very active and manage to stimulate the political will necessary for the integration of environmental and development questions, but most of the time the committees work in isolation and their recommendations go unheeded.

Many MPs also deplore the lack of co-ordination between the specialised committee and the work of other committees, as well as the fact that those other committees are hardly ever concerned with sustainable development.

IV. MEANS AVAILABLE TO THE PARLIAMENT AND THEIR USE TO INFLUENCE THE GOVERNMENT

On the whole, members of parliament think that their parliaments have the means to influence their countries' authorities in order to encourage them to take the decisions needed for the implementation of the Rio Agreements.

It is true that there is a limit to parliamentary initiative since a parliament mainly decides on proposals which emanate from the government. It is in fact the government, not parliament, which decides how to comply with the international obligations resulting from international agreements such as the Rio Agreements (the government may, for example choose to use administrative channels rather

than legislative ones and in this case the scope for parliamentary action is even more restricted, and it is the government which draws up the environmental action programme.

The parliament therefore seeks to supplement government decisions rather than trying to influence the government, and the level of co-operation which exists between parliament and the government determines how effective the former's efforts will be.

Parliaments are able to exercise a considerable degree of influence through the legislative process: when laws are passed, parliament can avail itself of its right to amend and to make changes and it can also give preference to projects which comply with the Rio Agreements. Adopting implementing regulations and monitoring the application of the laws are also essential steps.

Here, the role of the competent committee is of prime importance, provided of course it discharges its duties and exercises its powers to the fullest extent possible.

Parliament as a whole and MPs individually are able to participate even more actively in the legislative process in countries where government and parliament share the legislative initiative.

Approval of the budget is also mentioned frequently as a significant means of control: through this means parliament can give priority to those programmes which comply with the principles of sustainable development.

Finally, parliamentary debates may also be used as a means of applying pressure since these debates are a reflection of citizens' concerns and the government therefore has a moral obligation to address them.

With few exceptions, members of parliament think that these means are not yet used to their fullest extent, but a great deal could be done if all MPs were conscious of the important issues at stake. It is obvious that where there is unanimity among political forces the government is more likely to consider the views of parliament.

V. CONCLUSIONS AND RECOMMENDATIONS

The Inter-Parliamentary Union expressed great concern that results obtained since UNCED with regard to the achievement of sustainable development were so meagre and that the situation had worsened in several fields (depletion of natural resources, world-wide pollution, the food crisis, destabilisation of societies). It felt that the general evaluation of UNCED follow-up measures should provide an opportunity to relaunch the spirit of Rio.

Since 1992, it has on several occasions noted that difficulties relating to financing and transfer of technologies were seriously impeding implementation of the Rio Agreements and could well put into question the world partnership for sustainable development. Consequently, the Inter-Parliamentary Union has consistently urged its member parliaments to press their respective governments to respect their commitments in this field, in particular by adopting last year a Declaration in this connection. Regretting once more that no progress had been made in this field, the IPU reaffirms this Declaration.

In addition, it concluded that lack of political will was the main obstacle to resolute action in favour of sustainable development and the effective application of the Rio Agreements. Parliaments and parliamentarians play a key role in this respect. They are primarily responsible for instilling the necessary political will in governments and informing the latter of the interests of citizens, but also for contributing to awareness-building efforts. In order to do so, they must themselves be conscious of

the need to change their perception of the issues at stake and must be convinced that the measures advocated in Rio are applicable and effective.

In this connection, the IPU was amazed to note that the great majority of MPs said that they failed to grasp the implications of the concept of sustainable development, deeply regretted the lack of information on the activities undertaken by the UN Commission on Sustainable Development (CSD) to give practical effect to the UNCED recommendations, and sensed a lack of awareness within their parliaments.

The IPU has therefore decided on a series of initiatives and activities to help parliaments become better informed and make better use of the means at their disposal to influence governmental action and increase public awareness of the issues relating to sustainable development. The Union is however mindful that this action is not sufficient on its own. It therefore felt essential that close co-operation be established between parliaments and the CSD and that the latter make a real effort to interest parliamentarians in its work, in particular by launching a broad awareness-building campaign aimed specifically at MPs.